

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**THOMAS IRVING DAVIS, JR.**

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**CRIMINAL NO. 1:07CR42 LG-JMR-1**

**ORDER DENYING MOTION FOR REDUCTION  
OF MONTHLY RESTITUTION PAYMENT**

BEFORE THE COURT is the Defendant's Motion for a reduction in his monthly restitution payment. He asserts that he is currently unemployed and unable to afford the \$1000 monthly restitution payments included in his criminal judgment, although he will shortly begin working on commission and receiving Social Security benefits. He requests that his payments be reduced to \$100 monthly.

The statute that allows a change in a defendant's restitution payment schedule provides that "[t]he Attorney General shall certify to the court that the victim or victims owed restitution by the defendant have been notified of the change in circumstances." 18 U.S.C. § 3664(k). It is only when the Court receives this notification that it may adjust the payment schedule. *Id.* The victim owed restitution in this case is the Motion Picture Association of America. The Defendant does not allege or show that the Motion Picture Association of America has been notified of Defendant's changed circumstances. Accordingly, the Court finds insufficient grounds upon which to adjust Defendant's restitution payment schedule.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Defendant's Motion for Reduction of Monthly Restitution Payment is **DENIED**.

**SO ORDERED AND ADJUDGED** this the 7<sup>th</sup> day of April, 2010.

*s/ Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE